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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,172	04/06/2000	Shinichi Kuroda	1163-268P	9554

7590 10/10/2002

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EXAMINER

WONG, ALLEN C

ART UNIT PAPER NUMBER

2613

DATE MAILED: 10/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten signature]

Office Action Summary

Application No.

09/545,172

Applicant(s)

KURODA ET AL.

Examiner

Allen Wong

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2002 and 29 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 6-11 and 20 have been fully read and considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-11 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun (5,969,764) in view of Chen (6,057,884).

Regarding claim 6, Sun discloses an image decoding device which decodes an encoded bit stream formed by encoding images for each object, comprising:

display speed information decoding means for decoding object display speed information from said encoded bit stream (Note Sun teaches that multiple VO are present in a single frame col.8, lines 52-55 the number of which is shown in Table 5, see col.12 (note VO0-VO5 in Container-1). Since each frame has a specific rate (Table 4), Sun teaches for each frame (duration of 1/rate which is a unit of time) will indicate the number of VOs.); and

control means for controlling the reconstruction of said encoded images encoded for each object, based on said decoded object display speed information (note Sun's figure 3 illustrates a control means or a rate control process with additional features for

controlling the reconstruction of the encoded images for each object where the frameskip control uses the decoded object display speed data for preventing the overflow of data and improving smoothness of the displayed images).

Although Sun does not specifically disclose the limitation of "the display speed information indicating a number of objects displayed per a unit time." However, Chen teaches the display speed information that indicates a number of objects displayed per a unit time (col.14, lines 3-5 discloses that there can be multiple VOPs to be "enhanced", as indicated in col.13, lines 33-41, Chen discloses that a VOP can be "enhanced", meaning that the spatial resolution and frame rate of the selected object VOP can change, thus, Chen teaches the use of multiple VOPs with each VOP having different rates or number of objects displayed per a unit time). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Sun and Chen, as a whole, to provide more information on the decoding object display speed so as to encode efficiently, reduce costs, meet with today's highly complex encoding standards, and maintain superior image quality.

Note claims 7 and 20-24 have similar corresponding elements.

With regards to claims 8-11, Sun discloses the display speed information decoding means and control means. Sun does not disclose the decoded object display speed is fixed or variable. However, Chen teaches plural VOPs at different VOP rates, ie. display speed (col.14, lines 3-5 discloses that there can be multiple VOPs to be "enhanced", as indicated in col.13, lines 33-41, Chen discloses that a VOP can be "enhanced", meaning that the spatial resolution and frame rate of the selected object

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VOP can change, thus, Chen teaches the use of multiple VOPs with each VOP having different rates or number of objects displayed per a unit time). It is understood different rates have different time intervals. The fact that the time axis is graduated into different time intervals is based on the incoming VOP rates. It follows that Chen teaches variable VOP rates. It should also be understood that if the VOP rates are not changing, it is considered fixed. Thus, both fixed and variable display rates are met by Chen.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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Allen Wong
Examiner
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AW
October 3, 2002


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600